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CHARLES ELMORE

IN THE

SUPREME COURT OF THE UNITED STATES

October Term 1931

No. 617

W. YALE SMILEY, *Petitioner,*

vs.

MIKE HOLM as Secretary of State of the State of Minnesota, St. Paul, Minnesota, *Respondent.*

JOINT MOTION OF BOTH PARTIES TO ADVANCE CASE FOR ARGUMENT

GEORGE T. SIMPSON,
Counsel for Petitioner
HENRY N. BENSON,
Attorney General of Minnesota,
Counsel for Respondent.

LAWYERS BRIEF CO., 410 COURT BLOCK, ST. PAUL

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Come now the petitioner and respondent in the above entitled action, through their respective counsel, and jointly move that this case be advanced for early hearing, if possible on some date not later than March 31st, 1932; and, in support of said motion, make the following brief statement of the matter involved and the reasons relied upon for advancement:

This court has granted petitioner's motion for a writ of certiorari to review the judgment of the Supreme Court of Minnesota holding, in effect, that the action of the State Legislature of Minnesota with regard to House File 1456, notwithstanding its veto by the Governor, is effective to divide the State of Minnesota into nine congressional districts. Under the laws of Minnesota, a primary election for nominating candidates for Congress will be held on the third Monday in June, to-wit, June 20, 1932 (Mason's Minnesota Statutes 1927, section 293). Can-

didates for nomination must file at least forty days before the primary election, to-wit, not later than May 11, 1932 (Mason's Statutes, section 297). The general election will be held on November 8, 1932 (Mason's Statutes, section 255).

The Legislature of the State of Minnesota is not now in session, and the next regular session is in January, 1933 (Mason's Statutes, section 24). Until such time as this court shall have announced its decision, the electors of the State of Minnesota will be, and they are now, uncertain as to whether candidates for nomination and election to the Congress of the United States will be elected by districts as delineated in House File 1456, or otherwise. The same uncertainty will exist among prospective candidates for congressional office. Until this court announces its decision candidates for nomination to the House of Representatives in Congress will not be advised whether to file as candidates in the districts so fixed by House File 1456 or otherwise, and as a result great confusion and uncertainty will arise, and it may be that filings according to congressional districts will be invalid and that the entire purpose of holding the primay next June will be defeated so far as nominations for representatives in Congress are concerned.

The petitioner herein now intends to rest upon his brief filed in support of his petition for a writ of certiorari, except for certain citations of additional authorities, and the respondent will undertake to prepare and file his brief at such date as may be fixed by this court, upon two weeks' notice, and serve a copy thereof upon the petitioner not less than one week from the date set by the court for hearing.

The issues involved herein are not only important to

the State of Minnesota, but also to the States of Missouri, New York and Illinois, respectively, where substantially the same questions as involved herein have been passed upon by the respective courts of last resort.

WHEREFORE, both the petitioner and the respondent pray that this case be advanced upon the calendar and assigned for hearing at an early date, as above specified.

Dated—Febuary 17, 1932.

GEORGE T. SIMPSON,
Counsel for Petitioner

HENRY N. BENSON,
Attorney General of Minnesota,
Counsel for Respondent.